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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	No. CR 09-952 - JF
)	
Plaintiff,)	
)	STIPULATION AND [PROPOSED]
v.)	ORDER EXCLUDING TIME AND
)	CONTINUING STATUS HEARING
BRENDAN PATRICK MCCLORY-)	
MAGUIRE,)	
)	SAN JOSE VENUE
Defendant,)	
)	

The parties in this case, through their respective counsel, hereby stipulate and agree that the status conference set for February 11, 2010, be continued until March 11, 2010 at 9:00 a.m. in order for counsel for defendant and the Government to conduct further investigation. In addition, the parties stipulate that an exclusion of time under the Speedy Trial Act from December 2, 2009 when present counsel first appeared in the case, until March 11, 2010, is

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1 appropriate based on the defendant's need for effective preparation of counsel.

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3 SO STIPULATED:

JOSEPH P. RUSSONIELLO
United States Attorney

4
5 DATED: 2/10/10

/s/
THOMAS M. O'CONNELL
Assistant United States Attorney

6
7 DATED: 2/10/10

/s/
PATRICK CLANCY
Counsel for MCCLORY

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11 Accordingly, for good cause shown, and by stipulation of the parties, the Court
12 HEREBY ORDERS that the status conference set for February 11, 2010, be continued until
13 March 11, 2010 at 9:00 a.m., and that time be excluded under the Speedy Trial Act from
14 December 2, 2009 until March 11, 2010. The Court finds, based on the aforementioned
15 reasons, that the ends of justice served by granting the requested continuance outweigh the
16 interest of the public and the defendant in a speedy trial. The failure to grant the requested
17 continuance would deny defense counsel reasonable time necessary for effective preparation,
18 taking into account the exercise of due diligence, and would result in a miscarriage of justice.
19 The Court therefore concludes that this exclusion of time should be made under 18 U.S.C. §§
20 3161(h)(8)(A) and (B)(iv).

21 SO ORDERED.

22
23 DATED: 2/12/10


JEREMY FOGEL
United States District Judge